

the rejection on the reference to Boehland. After a Response After Final Rejection filed on August 20, 2004 did not place the application in condition for allowance, Applicants filed a Request for Continued Examination (RCE) along with an Amendment on October 20, 2004. The outstanding rejection, once again, rejects independent claims 8 and 22 over the reference to Boehland. Since the first rejection under the reference to Boehland, which was removed, Applicants have not broadened the scope of the claim protection. However, once again Applicants are facing an anticipation rejection based on Boehland which is a repetition of previously applied and previously overcome rejection. Nevertheless, Applicants once again submit that the invention defined by independent claims 8 and 22 as well as dependent claims 9, 24 and 27 provide subject matter not shown or disclosed or made obvious by the reference to Boehland.

According to the statement of the rejection, Boehland is cited for having a valve with a step 35 and a guide surface 16 which is “read as avoiding cavitation in view of the flow diagram of Figure 3”. The Boehland valve, according to the Examiner, returns a “pressure fluid to the pump”.

Independent claims 8 and 22 each specify a valve member 10 interacting with a valve seat 13 on a valve housing. Also claimed is the annular space formed between the valve guide and the valve member in order to provide a contact area between the valve member and the valve seat 13 which is bounded on one side by a step 15, shown in Figures 2 and 3, as an example. A flow optimizing guide surface 16 is configured to avoid cavitation resulting from flow from the high pressure line through the valve.

The reference to Boehland 328 is concerned with quickly opening a valve. In order to open the valve more quickly Boehland uses a deflection point which is downstream of the sealing edge. More specifically, as discussed at column 2 lines 56 to column 3, line 3, the sealing face 29 of the valve member 60 is placed in a sealed manner on the valve seat 32 to seal the high pressure chamber 30 in relation to the low pressure or relief chamber 18. Thus, the valve seat corresponding to the seat 13 of the presently claimed invention is the seat 32 so

that any annular space which provides a contact area between the valve member and the valve seat can not include the annular face 35. Still further the annular space of the claimed invention is limited to being bonded by a step adjoined floor optimizing guide surface which is "configured to avoid cavitation" resulting from flow from the high pressure line through the valve. As indicated previously, the purpose of Boehland and more particularly the purpose of the annular face 35 is to provide that the flow strikes against the annular face 35 on the valve member 16 so that the valve member is thrown open and the valve passage is opened in a rapid manner and the fluid "easily reaches into the low pressure chamber 18" (column 3, lines 18-30). Thus, there is no avoiding of cavitation and there is no configuration of a guide surface to avoid cavitation and more particularly there is no annular space which contains a step as the annular face 35 of Boehland cannot constitute the step because it is outside of the area between the valve member 16 and the valve seat 32 of Boehland.

Therefore, in view of the distinguishing features between the claimed invention and the references, as defined by independent claims 8 and 22, which distinguishing features have no corresponding features in the reference to Boehland and are not obvious variations, Applicants respectfully request that this application containing claims 8, 9, 22, 24 and 27 be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038738.48700US).

Respectfully submitted,

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Vincent J. Sunderdick
Registration No. 29,004

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
VJS:ddd

#353834